

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

(1) STEPHEN PICCOLO,)
(2) ALAN DOWNING,)
(3) CHRISTOPHER MATHIS,)
(4) MATT MCMAINS,)
Plaintiffs,)

vs.)

(1) ⁵ TECHSICO, LLC, an Oklahoma)
limited liability company,)
(2) ⁶ TECHSICO ENTERPRISE)
SOLUTIONS, INC., an Oklahoma)
for profit business corporation,)
(3) ⁷ TECHSICO CARRIER SERVICES,)
INC., an Oklahoma for profit)
business corporation,)
(4) ⁸ TECHSICO DEVELOPMENT, LLC,)
an Oklahoma limited liability company,)
(5) ⁹ TECHSICO INFORMATION)
TECHNOLOGY, LLC, an)
Oklahoma limited liability company,)
(6) ¹⁰ TECHSICO LEASING, LLC, an)
Oklahoma limited liability company,)
(7) ¹¹ TECHSICO NATIVE)
TECHNOLOGIES, LLC, an)
Oklahoma limited liability company,)
(8) ¹² TECHSICO NETWORK SERVICES,)
LLC, an Oklahoma limited liability)
company,)
(9) ¹³ TECHSICO PLUMBING, HEATING,)
AND AIR, LLC, an Oklahoma limited)

Case No.:

10 CV - 244 GKF PJC

ATTORNEY LIEN CLAIMED

FILED

APR 19 2010

Phil Lombardi, Clerk
U.S. DISTRICT COURT

liability company,)
)
 14)
 (10) TECHSICO STAFFING, LLC, an)
 Oklahoma limited liability company,)
)
 15)
 (11) TECHSICO TELEDATA, LLC, an)
 Oklahoma limited liability company,)
)
 16)
 (12) TECHSICO TRANSCRIPTION,)
 LLC, an Oklahoma limited liability)
 company,)
)
 17)
 (13) CEIS, INC., an Oklahoma for profit)
 business corporation,)
)
 18)
 (14) TODD BLACKBURN, as Officer or)
 Director of Defendants (1))
 through (13),)
)
 19)
 (15) JAMES LYTAL, II, as Officer or)
 Director of Defendants (1) through)
 (13),)
)
 Defendants.)

COMPLAINT

COME NOW the Plaintiffs, Stephen Piccolo, Alan Downing, Christopher Mathis and Matt McMains, through their attorney of record, David A. Warta, of *Smolen, Smolen & Roytman, PLLC*, and brings this action against the Defendants, Techsico, LLC, an Oklahoma limited liability company, Techsico Enterprise Solutions, Inc., an Oklahoma for profit business corporation, Techsico Carrier Services, Inc., an Oklahoma for profit business corporation, Techsico Development, LLC, an Oklahoma limited liability company, Techsico Information Technology, LLC, an Oklahoma limited liability company, Techsico Leasing, LLC, an Oklahoma limited liability company, Techsico Native Technologies, LLC, an Oklahoma limited liability company, Techsico Network Services, LLC, an Oklahoma limited liability company,

Techsico Plumbing, Heating, And Air, LLC, an Oklahoma limited liability company, Techsico Staffing, LLC, an Oklahoma limited liability company, Techsico Teledata, LLC, an Oklahoma limited liability company, Techsico Transcription, LLC, an Oklahoma limited liability company, CEIS, Inc., an Oklahoma for profit business corporation, Todd Blackburn, as Officer or Director of all aforementioned corporate defendants, and James Lytal, II, as Officer or Director of all aforementioned corporate defendants (collectively, “Defendants”), pursuant to Section 16(b) of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 201 et seq. (the “FLSA” or, “the Act”), regarding unpaid overtime. In support thereof, Plaintiffs respectfully show the Court:

PARTIES, JURISDICTION & VENUE

1. Plaintiffs Stephen Piccolo, Alan Downing, Christopher Mathis and Matt McMains were, at all times pertinent to this action, employed by Defendants within the Northern District of Oklahoma. Furthermore, Plaintiffs are all domiciled and reside within the Northern District of Oklahoma.
2. Techsico, LLC, is an Oklahoma limited liability company, regularly engaged in business in the Northern District of Oklahoma.
3. Techsico Enterprise Solutions, Inc., is an Oklahoma for profit business corporation, regularly engaged in business in the Northern District of Oklahoma.
4. Techsico Carrier Services, Inc., is an Oklahoma for profit business corporation, regularly engaged in business in the Northern District of Oklahoma.
5. Techsico Development, LLC, is an Oklahoma limited liability company, regularly engaged in business in the Northern District of Oklahoma.
6. Techsico Information Technology, LLC, is an Oklahoma limited liability company, regularly engaged in business in the Northern District of Oklahoma.

7. Techsico Leasing, LLC, is an Oklahoma limited liability company, regularly engaged in business in the Northern District of Oklahoma.
8. Techsico Native Technologies, LLC, is an Oklahoma limited liability company, regularly engaged in business in the Northern District of Oklahoma.
9. Techsico Network Services, LLC, is an Oklahoma limited liability company, regularly engaged in business in the Northern District of Oklahoma.
10. Techsico Plumbing, Heating, And Air, LLC, is an Oklahoma limited liability company, regularly engaged in business in the Northern District of Oklahoma.
11. Techsico Staffing, LLC, is an Oklahoma limited liability company, regularly engaged in business in the Northern District of Oklahoma.
12. Techsico Teledata, LLC, is an Oklahoma limited liability company, regularly engaged in business in the Northern District of Oklahoma.
13. Techsico Transcription, LLC, is an Oklahoma limited liability company, regularly engaged in business in the Northern District of Oklahoma.
14. CEIS, Inc., is an Oklahoma for profit business corporation, regularly engaged in business in the Northern District of Oklahoma.
15. Upon information and belief, Todd Blackburn is an Officer, Director and/or is otherwise a responsible party for all aforementioned corporate defendants and is a resident of the Northern District of Oklahoma.
16. James Lytal, II is an Officer, Director and/or is otherwise a responsible party for all aforementioned corporate defendants and is a resident of the Northern District of Oklahoma.
17. All Defendants are “employers” within the meaning of the FLSA and Plaintiffs are

“employees engaged in commerce” within the meaning of the FLSA.

18. Plaintiffs are entitled to the protection afforded by the minimum wage and overtime provisions of the FLSA, and have standing under Section 16(b) of the Act to maintain this action.
19. Jurisdiction is vested in this Court pursuant to 28 U.S.C. § 1331, 29 U.S.C. § 216(b), and 28 U.S.C. § 1367; venue properly rests in this Court under 28 U.S.C. § 1391(b), (c).

OPERATIVE FACTS

20. Plaintiffs, Stephen Piccolo, Alan Downing, Christopher Mathis and Matt McMains incorporate as if realleged Paragraphs 1-19.
21. On or about December 2008, Stephen Piccolo began his employment as an employee of Defendants.
22. On or about March 2009, Alan Downing began his employment as an employee of Defendants.
23. On or about August 2006, Chris Mathis began his employment as an employee of Defendants.
24. On or about April 2008, Matt McMains began his employment as an employee of Defendants.
25. During the course of their respective employment with Defendants, Plaintiffs regularly performed work in excess of forty (40) hours per week on behalf of Defendants and were not compensated at a rate of one and one-half times their respective hourly rates for that work.

26. Plaintiffs do not meet any of the recognized exemptions of the FLSA that would preclude them from receiving time and one-half for work performed in excess of forty hours per week.

CLAIM FOR RELIEF

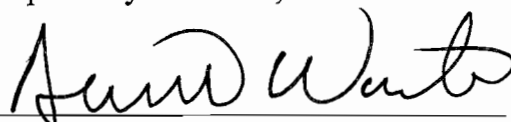
UNPAID OVERTIME UNDER THE FAIR LABOR STANDARDS ACT

27. Plaintiffs, Stephen Piccolo, Alan Downing, Christopher Mathis and Matt McMains incorporate as if realleged Paragraphs 1-26.
28. At all times material to this lawsuit, Plaintiffs were employed by Defendants and frequently worked in excess of forty (40) hours per week in performance of the duties assigned by Defendants.
29. Plaintiffs are not exempt from the overtime compensation requirements of the FLSA under any of the exemptions set forth in the Act. Defendants have a statutory duty to maintain accurate time records covering all hours worked by Plaintiffs and to compensate Plaintiffs at the rate of one and one-half (1 1/2) times their respective regular hourly wage for all time worked in excess of forty (40) hours in one week.
30. Defendants' failure to maintain accurate time records and to properly compensate Plaintiffs for overtime hours worked was a knowing, willful and intentional violation of the FLSA.

WHEREFORE, Plaintiffs pray for judgment against Defendants for:

- a. unpaid overtime wages, with prejudgment interest thereon;
- b. liquidated damages;
- c. attorneys' fees and costs pursuant to Section 16(b) of the FLSA;
- d. such other relief as the Court deems just and equitable.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David A. Warta". The signature is fluid and cursive, with the first name "David" being more prominent.

Daniel E. Smolen, OBA# 19943

Donald E. Smolen, II, OBA# 19944

David A. Warta, OBA# 20361

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